

ALBERT BENJAMIN STUBBLEFIELD,)
) CV-12-5015-LRS
)
 Plaintiff,)
)
 ORDER OF DISMISSAL
 -vs-)
)
 STEPHEN EUGENE "RALPH" STUBBLEFIELD)
 and DEBORAH STUBBLEFIELD, BRENT)
 HODGINS, ADENA LYNN HODGINS, and)
 DOES 1-30,)
)
 Defendants.)
)

ORDER - 1

1 When addressing a *pro se* complaint, generally a district court "should
2 not dismiss without granting leave to amend at least once when a liberal
3 reading of the complaint gives any indication that a valid claim might
4 be stated." *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir.2000) [internal
5 quotation and citation omitted]; see also Fed.R.Civ.P. 15(a) (leave to
6 amend "shall be freely given when justice so requires"). An opportunity
7 to amend is not required where "the problem with [plaintiffs'] causes of
8 action is substantive" such that "[b]etter pleading will not cure it."
9 *Cuoco*, 222 F.3d at 112 (finding that repleading would be futile)
10 [citation omitted]; see also *Cortec Indus., Inc. v. Sum Holding L.P.*, 949
11 F.2d 42, 48 (2d Cir.1991) ("Of course, where a plaintiff is unable to
12 allege any fact sufficient to support its claim, a complaint should be
13 dismissed with prejudice.") (affirming, in part, dismissal of claim with
14 prejudice) [citation omitted].

15 The Court finds that the deficiencies with this Complaint cannot be
16 cured by any amendment. The Court hereby dismisses Plaintiff's action
17 without prejudice.

18 **IT IS HEREBY ORDERED:** Plaintiff's action is **DISMISSED** without
19 prejudice.

20 **IT IS SO ORDERED.** The District Court Executive is directed to enter
21 this Order, enter judgment accordingly, provide a copy to pro se
22 plaintiff and defense counsel, and **CLOSE THIS FILE.**

23 **DATED** this 1st day of May, 2012

24 ***s/Lonny R. Suko***

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26 LONNY R. SUKO
UNITED STATES DISTRICT JUDGE